

**CITY OF ALAMEDA
COMMUNITY DEVELOPMENT DEPARTMENT**

ADMINISTRATIVE VARIANCE AND DESIGN REVIEW

ITEM NO: 3-B

APPLICATION NO: PLN12-0258: 2507 Chester Street

PROJECT DESCRIPTION: **PLN12-0258 – 2507 Chester Street.** Design Review and Variance request for a 167-square foot addition to the rear second story of an existing two-story residence. The variance is required to vertically extend an existing non-conforming rear yard setback of 4-feet, when 20-feet is ordinarily required.

GENERAL PLAN: Medium Density Residential

ZONING: R-4: Neighborhood Residential District

ENVIRONMENTAL DETERMINATION: Categorically Exempt from State CEQA Guidelines, Section 15301 – Existing Facilities, Class 1 (e).

PROJECT PLANNER: Christina Ratcliffe, AICP, Planner I

PUBLIC NOTICE: A notice for this hearing was mailed to property owners and residents within 300 feet of the site, published in local newspapers and posted in public areas near the subject property. Staff has received two public comments on this proposed project as of October 4, 2012.

The owner of 1322 Regent- (adjacent and to the left of the proposed project) came in to review the plans and believed there was no privacy impacts for them, as the new windows are over 20-feet from their house.

The owner of 2511 Chester (immediately to the left of the project) sent an e-mail expressing concerns about the proposed fence location and requesting we look closely for possible privacy impacts. Staff believes that there will not be any privacy impacts as a result of the addition, but has added a Condition of Approval that the fence height and location be revised.

ATTACHMENTS:

1. GIS Map
2. Application Submittal
3. Plan Set
4. E-mail correspondence from neighbors

ACRONYMS:

AMC – Alameda Municipal Code
R-4 – Neighborhood Residential District

RECOMMENDATION:

Find that the project will not cause significant adverse effects to the physical environment, is Categorically Exempt from environmental review and approve the project with conditions based on the following findings:

FINDINGS:**Variance:**

1. There are exceptional or extraordinary circumstances applying to the property involved or to the proposed use of this property.

The property has a legal non-conforming size of 2,000 square feet, where 5,000 would be normally required and a depth of 40-feet, where 150-feet would normally be required. In addition, the placement of the existing residence is also legal non-conforming, with a rear yard setback of 4-feet, where 20-feet would normally be required.

2. Because of such exceptional or extraordinary circumstances, the literal enforcement of specified provisions of this section would result in practical difficulty or unnecessary hardship such as to deprive the applicant of substantial property right possessed by other owners of property in the same class of district.

Due to the size of the property and the placement of the existing residence, the literal enforcement the 20-foot rear-yard setback would create a practical difficulty and unnecessary hardship and would deny the applicant of a substantial property right in that they would not be allowed to make a vertical addition to the rear of the residence, this location being the only logical place to expand the residence.

3. The granting of the variance will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to persons or property in the vicinity.

The design of the proposed addition is a modest increase in height of the rear portion of the residence, resulting in a maximum height of 17-feet, 5-inches. In addition, the proposed new windows would be 20-feet from the nearest adjacent dwelling, thus there will be no privacy impacts.

Design Review:

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.**

The design of the proposed addition meets the height and square footage requirements and is a visual match to the existing residence.

2. **The proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses.**

The 167-square foot addition is an appropriate scale for the size of the subject property, as well as the surrounding properties.

3. **The proposed design of the structure(s) and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development.**

The proposed addition is compatible with the existing design, and the new windows are a match for the existing windows throughout the rest of the residence.

CONDITIONS:

1. **Compliance with Conditions:** The applicant/property owner shall ensure compliance with all of the following conditions. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Variance and Design Review approval.
2. **Compliance with City Ordinances:** The approved use and/or construction are subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies.
3. **Fence location and height:** The building submittal set shall include revised location and height of the proposed/existing fences to conform to the requirements of the AMC Section 30-15.14 and to show the accurate location of the existing fence on the east side of the property.

Indemnification. The Applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board, and their respective agents, officers, or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, the City of or City Council related to this project. The City shall promptly notify the Applicant of any claim, action, or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6

DECISION:

Environmental Determination

The Zoning Administrator has determined that this project does not involve a significant expansion of an existing use and will not have a significant effect on the environment. Therefore, it is categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15301 – Existing Facilities Class 1 (e).

Variance and Design Review

The Zoning Administrator approves the Variance and Design Review with conditions.

The decision of the Zoning Administrator shall be final unless appealed to the Planning Board, in writing and within ten (10) days of the decision.

Approved by: _____

Andrew Thomas, Zoning Administrator

Date: October 16, 2012